

VIRGINIA ROANOKE RIVER BASIN ADVISORY COMMITTEE MEETING MINUTES

May 13, 2003

Brookneal –Watt and Jenny Foster’s River Cabin

Attendance: All VRRBAC members except Del. Byron, Del. Hurt, Del. Wright, and Robert Conner;
DEQ: J. Hill and Joe Hassel; **DCR:** Tim Ott; **DGIF:** Bud LaRoche

Call to Order:

Chairman Feild called the meeting to order.

Welcome/Recognition of Visitors:

Visitors and guests included Shannon Varner, Troutman and Sanders, Jerry Loveless, Halifax County, P.K. Pettus, and Tom Stutts, South Boston/Halifax County.

April 23, 2003 meeting minutes:

A motion was made to approve the minutes as written. The motion was seconded and passed.

Bud LaRoche, VDGIF; Presentation on The Staunton/Roanoke River Striped Bass Fishery

- Striped Bass population in Kerr Reservoir is 1 of a few naturally reproducing populations in freshwater ecosystems in the United States
- Kerr Dam was completed in 1952. It is not certain whether the striped bass population originated from fish stocked by the NC Wildlife Resources Commission or if wild fish were trapped in the reservoir when the dam was closed.
- Spawning migration occurs from mid April to late May and begins when the temperature is consistently in the upper 50s.
- Fish utilize about 40 miles of the Dan River and 70 miles of the Roanoke/Staunton River (all the way up to Leesville dam) to spawn in. However the primary spawning areas are around Brookneal on the Staunton River and Milton, NC on the Dan River.
- The Striped Bass population in Kerr reservoir does not reach the size of the Striped Bass population in Smith Mountain Lake (SML). This is due to lake stratification and the resulting lower dissolved oxygen concentrations in the lake layer where the striped bass food sources are located. The striped bass choose to remain in the higher oxygen levels rather than to feed in the summer months. Therefore, the population becomes stressed and does not achieve its expected size. Whereas, in SML the striped bass and forage fish are in the same lake layer and the fish grow better.
- **Question: Why does SML have higher dissolved oxygen in that layer in the summer?**
Answer: SML is deeper and the water temperature is generally colder. Colder water can hold more dissolved oxygen. Also, SML is a younger lake - it is more oligotrophic. This means not as many nutrients/organics have built up in SML as in Kerr reservoir. In general higher nutrient/organic levels correlate with lower dissolved oxygen levels in stratified lakes.
- **Question: Is there any impact from Pinnacles of the Dan Plant on the temperature of the Dan River where the fish spawn?** **Answer:** No, there is no impact on the fish spawning habitat from that facility due to its location far upstream.

The Staunton/Roanoke River Striped Bass Fishery (continued)

- **Question: Discussion on the nature of PCBs, how dangerous? What is the trend? When will the river be clean?**
Answer: Bud responded that the fishing in the river had never been better because fishing pressure is light, but we're losing out on money. "The River is not dead". Jason Hill, DEQ, indicated there are several 'legacy' persistent chemicals in the environment including waterways but that with current pollution control laws a downward trend in PCB concentrations is expected. The committee is interested in receiving an update on PCB levels in the river.
- **Questions: Why does VDGIF trade striped bass?**
Answer: Striped Bass are a commercially important 'barter' fish that Virginia trades with several other states in order to stock other types of fish. Many years ago, some striped bass were even sent to Africa.
- Fingerling striped bass are stocked when they are one month old. White perch populations are exploding in Kerr and VDGIF is studying this problem (fish species accidentally introduced). American Shad and American Eel Restoration programs are underway in Roanoke River!

Joe Hassel, VDEQ; Presentation on the Virginia Water Protection Program (VWP) and Interaction of States with Adjoining or Shared Waters.

- Chairman John Feild introduced Mr. Hassell and provided him with some background of VRRBAC's interest in his topic. Two localities in NC want to take water from the Dan River. Eden plans a withdrawal but they are in the basin, so the water will be returned to the basin. Person County, NC plans a 30-MGD withdrawal, although the power plant that needed 8 MGD backed out of building in Person County. It is theorized that Person County would return most of the water to the basin, but the southern end of the area of service drains to another basin. Who do we talk to in NC and what kind of permits do these localities need?

Joe indicated that there is a counterpart to him in the North Carolina Department of Environment and Natural Resources (NCDENR). That is whom VRRBAC should contact regarding questions on this issue. It appears from the NCDENR web-site that the contact is Tom Fransen. His email address is Tom.Fransen@ncmail.net and phone number is (919) 715-0381. After this meeting Joe spoke to Tom Fransen at a Kerr 216 meeting on May 28th. Joe reports that Tom believed Roxboro was still pursuing the intake and pipeline. Also, Roxboro needs a special use permit from the locality (likely Caswell County) through which the pipeline will traverse. However, Roxboro will not need a N.C. inter-basin transfer permit because since the power plant is not being built, the amount of water that would go out of basin is less than 2 MGD, the threshold that requires a permit. Therefore, the permit requirements appear to be a Federal 404 permit from the Corps and the State section 401 certificate. Either permit could be used to place minimum in-stream flow-by requirements on the withdrawal. However, Tom Fransen believed that due to the size of the Dan River at that point such restrictions would be unlikely. According to Jennifer Everett, NCDENR, other appropriate contacts are as follows: Jim Mead, Division of Water Resources, 919-715-5428, minimum flow, inter-basin transfer and aquatic habitat; Lee Spencer, Public Water Supply Section (Winston-Salem), 336-771-4600, water withdrawal permits. Two web-sites of interest are listed below.

[<http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Roxboro/>](http://www.ncwater.org/Permits_and_Registration/Interbasin_Transfer/Status/Roxboro/)
[<http://h2o.enr.state.nc.us/wswp/index.html>](http://h2o.enr.state.nc.us/wswp/index.html)

- Most localities that build a water intake do it with state or local monies. When no federal dollars are at stake, the local US Army Corps of Engineers (USACE) office issues a 401 permit, which is a nationwide general permit and Virginia would have no say whatsoever in that process (and no EIA-Environmental Impacts Assessment is required).

Joe Hassel, VDEQ (continued)

- **Question: How do we get Eden and/or Person County out of the general permit arena and into the individual permit process, so VRRBAC will be involved in the project?**

Answer: (1) Ask NC to give details of the permit application/project plans

(2) Ask the USACE Wilmington office to consider making the permit an 'Individual permit'

If there were ample evidence of a problem an environmental assessment would be conducted. Then an environmental impact statement or a FONSI (Finding of No Significant Impact) would be produced. The Cloverdale Power Plant is an example of a facility that received an individual permit because of concerns over wetlands.

- **Question: Would the legal system likely consider the diverting waters from the Dan a violation of riparian law?**

Answer: Joe Hassell and Shannon Varner agreed that Virginia would have to prove that the increased water withdrawn from the Dan River causes a downstream 'injury' in Virginia (for example, there is not enough water left to provide the City of Danville with an adequate water supply).

- Senator Hawkins posed the following questions for the group to consider. "What laws do we need to enact to overhaul Riparian Law? Is Riparian Law an antiquated system of dividing up water supply?"

AEP/FERC Re-licensing at SML:

- Joe Hassell informed the committee that AEP had decided to pursue the 'Alternate Licensure Agreement', which means the plan will be written by SML stakeholders. Apparently, this type of plan will take longer, but will give all interested parties a voice in the process. He noted that DEQ would be involved in the plan development.
- Joe discussed the settlement agreement article 6 (F1-6) between Va., Va. Beach, NC, and others which deals with the City of Virginia Beach's response to drought in the Roanoke River Basin involving the Roanoke Rapids/Lake Gaston/Kerr Reservoir system.
- Joe spoke about the Kerr Reservoir 216 study underway and that the study was necessary to change the rules for flow releases (changes the 'guide curves'). This requires a three phase study: (1) Collect Data and ID Data gaps, (2) Perform Detailed Study, and (3) Propose the Alternate Flow Regimes. He indicated the study was in response to The Nature Conservancy concerns that wetlands surrounding the Roanoke River are shrinking due to the controlled flow releases (i.e. the Bald Cypress and White Cedars are dying and being replaced by Red Maples and Sweet Gum).

Sub-committee Reports:

- Agricultural and Forest Committee: Have not held any meetings, but have gained interest and potential committee members. John Feild remarked that it is up to the individual committees to determine who is in the committee (needs to grow beyond current membership) just make sure the whole basin is represented.
- River Interest: Currently putting committee together. Now includes PK Pettus, Maureen Castern, and Tom Stutts.
- Permit Holders: Getting committee together, have received outside interest (including Ken Cabarle from Roanoke County and William Johnson from Stearns & Wheeler). Have requested VDEQ's help for a complete list of permit holders.
- Water Committee: Ken Dugan passed away and Robert Conner is vice chair. However he is also the Chair of the Lakes committee. Mike McEvoy was selected to head the Water committee.

Sub-committee Reports: (continued)

- Lakes Interest Committee: Robert Conner was unable to attend due to work conflict so no report was available.

Other Business:

- Greg Anderson sent out poll for the next meeting date. Please respond.
- Commission Greg to send letter of appreciation to Roanoke County for setting up the meeting @ Spring Hollow.
- Special Thank You to Watt and Jenny Foster!

Future Meetings:

- The following meeting will be held in Danville at the Danville Science Center. After the meeting the members may walk on the Nature Trail by the river. John Primiano is making arrangements for that meeting.

Adjournment/Hatchery Tour: A motion was made, seconded and passed to adjourn the meeting. A tour of the Vic Thomas Striped Bass Hatchery was then conducted.